

RHODE ISLAND DEPARTMENT OF TRANSPORTATION
RULES AND REGULATIONS
FOR DEBARMENT OF CONTRACTORS ON CONSTRUCTION PROJECTS

AUTHORITY:

These Rules and Regulations are promulgated pursuant to the provisions of Section 42-13-1 of the Rhode Island General Laws of 1956, as amended, which relate to Powers of the Director of the Department of Transportation and supercede any and all previous Rules and Regulations adopted thereunder.

PURPOSE:

The purpose of these Rules and Regulations is to establish a procedure implementing Rhode Island General Laws, Section 42-13-1(c) which prohibits contractors convicted of fraud, bidrigging, or a violation of any state or federal antitrust law from bidding on construction projects administered by the Department of Transportation for five (5) years from the date of any such conviction.

DEFINITIONS:

Contractor

Any person, partnership, corporation or other legal entity having a contract with the State of Rhode Island administered by the Department of Transportation for the performance of construction activities, including any contracts subordinate thereto.

Construction Projects

Shall include the construction, improvement or completion of any public road or portion thereof or of any bridge.

Debarment

Disqualification of a contractor from bidding on and/or entering into construction contracts administered by the Department of Transportation, including any contracts subordinate thereto.

Director

The Director of the Rhode Island Department of Transportation or his/her designee.

DEBARMENT PROCEEDING:

1. A Debarment proceeding shall be initiated by written notice to the contractor subject to debarment. Such notice shall indicate:

- a. the nature of the debarment;
- b. the reasons for the debarment in terms sufficient to put the contractor on notice of the conviction upon which it is based;
- c. the procedures governing debarment;
- d. the potential effect of debarment.

2. Within twenty (20) days after receipt of notice of proposed debarment, the contractor may request reconsideration in writing, providing justification why such debarment should not be implemented. Such justification shall not include evidence relating to the merits of the prior conviction on which the debarment is based.

3. Where reconsideration has been requested by the contractor, the Director shall notify the contractor within twenty (20) days of his/her final decision. Where no such request is received, the debarment shall be implemented without further notice.

SCOPE OF DEBARMENT:

1. Debarment of a contractor under these regulations constitutes debarment of all its divisions and other organizational elements.

2. Fraudulent or criminal conduct of any officer, director, partner or employee of the contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence.

PERIOD OF DEBARMENT:

Debarment from bidding on construction projects administered by the Department of Transportation shall be for five (5) years.

SEVERABILITY:

If any provision of these Rules and Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the Rules and Regulations which can be given effect, and to this end the provisions of these Rules and Regulations are declared to be severable.

APPLICATION:

These Rules and Regulations will take effect twenty (20) days after filing with the Secretary of State.

I CERTIFY THAT THE ABOVE IS A TRUE COPY.

William D. Ankner, Ph.D.
DIRECTOR

Date

Revised: 12/01